

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**RALPH BROOKS, JR.** on behalf  
of himself and all others  
similarly situated,

Plaintiff,

v.

**WACHOVIA BANK, N.A.;**  
**WACHOVIA CORPORATION;**  
**EVERGREEN INVESTMENT**  
**SERVICES, INC.; EVERGREEN**  
**INVESTMENT MANAGEMENT**  
**COMPANY, LLC.; and**  
**EVERGREEN DISTRIBUTORS, INC.**

Defendants.

CIVIL ACTION  
NO. 06-CV-955

JURY TRIAL

CLASS ACTION

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO  
DISMISS AMENDED COMPLAINT**

Plaintiff, through counsel, hereby opposes Defendants' Motion to Dismiss the Amended Complaint and in support thereof relies upon the points and authorities in the attached Memorandum of Law.

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